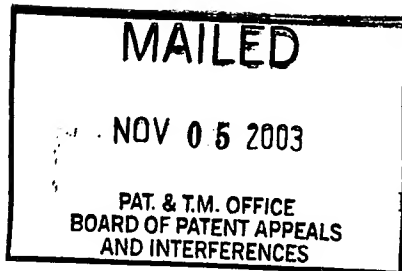


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JEFFREY S. MAILLOUX, KEVIN J. RYAN,
TODD A. MERRITT and BRETT L. WILLIAMS

Application 08/984,562

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on October 22, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

On December 9, 2002, appellants filed a Notice of Appeal (Paper No. 30) "from the decision dated October 23, 2002, of the Examiner [Paper No. 29] rejecting claims 22-32, 59, 61, and 63-72 of the above-identified patent application." However, the "STATUS OF THE CLAIMS" section located on page 3 of the Appeal Brief filed February 10, 2003 (Paper No. 31) states:

Claims 22-32, 59, 61, and 63-72 are currently pending. Claims 22-32, 59, 61, 63, and 66-72 stand rejected and are appealed. Claim 65 stands allowed. Claim 64 is objected to as being based on a rejected claim, but is deemed allowable if rewritten in an independent form.

The "Status of Claims" section appearing on page 2 of the Examiner's Answer mailed June 3, 2003 (Paper No. 32) states that "[t]he statement of the status of the claims contained in the brief is correct." The grounds of rejection appearing on page 4 of the Answer read as follows:

Claims 22-32, 59, 61 and 66-72 are rejected under 35 U.S.C. 102(e); and

Claims 22-32, 59, 61 & 66-72 are rejected under 35 U.S.C. 103(a).

It should be noted that the Examiner's Answer does not appear to discuss the rejection of claim 63. In addition, claim 63 is not included in the "Grouping of Claims" appearing on page 3 of the Answer. Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the
examiner:

1. for a determination regarding the status of
claim 63;
2. if appropriate, for the inclusion of claim 63 in
the "Grouping of Claims" appearing on page 3 of the Examiner's
Answer mailed June 3, 2003 (Paper No. 32);
3. for written notification to appellants regarding
items 1 and 2 above; and
4. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

DALE SHAW

Program and Resource Administrator
(703) 308-9797

cc: Schwegman, Lundberg, Woessner & Kluth, P.A.
P.O. Box 2938
Minneapolis, MN 55402

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